



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, APRIL 17, 2018 AT 2.30 P.M.

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

- 8\*. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2017)**  
(The Leader of the Majority Party)

Second Reading  
(*Question to be put*)

- 9\*. **MOTION – REPORT ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS MEMBER OF THE JUDICIAL SERVICE COMMISSION**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of the nominee for appointment as a Member of the Judicial Service Commission, laid on the Table of the House on Thursday, April 12, 2018.

**10\*. COMMITTEE OF THE WHOLE HOUSE**

The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)  
(The Leader of the Majority Party)

**11\*. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

(The Leader of the Majority Party)

Second Reading

**12\*. THE KENYA COAST GUARD SERVICE BILL (NATIONAL**  
**ASSEMBLY BILL NO. 45 OF 2017)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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# **N O T I C E S**

## **I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing, intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No.47 of 2017) at the Committee Stage–

### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended–

- (a) by deleting the definition of the words “county roads agency” and substituting therefor the following new definition–  
“county roads agency” means a roads agency established by a county government which shall be responsible for the management, development and maintenance of a county road.”; and
- (b) in the definition of the words “Road Fund” by deleting the word “Road”.

### **CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended be amended in sub-clause (1) by deleting paragraph (h) and substituting therefor the following new paragraph–

“(h) the Engineers Board of Kenya; ”

### **CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended in the marginal notes by deleting the words “Classification of national trunk and county roads” and substituting therefor the words “Classification of public roads”.

### **CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended in sub-clause (2) by–

- (a) inserting the words “including through public private partnerships” at the end of paragraph (a);
- (b) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(b);
- (c) inserting the words “Classes S,A and B at the end of paragraph (c);

- (d) inserting the words “and any other regulations under this Act” immediately after the word “Act” appearing in paragraph (d); and
- (e) inserting the following new paragraph immediately after paragraph (d) –  
“(da) controlling, operating and managing toll roads under its jurisdiction ;”
- (f) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(f);
- (g) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(g);
- (h) inserting the words “Classes S,A and B at the end of paragraph (h);
- (i) inserting the words “Classes S,A andB at the end of paragraph (i);
- (j) inserting the words “Classes S,A and B at the end of paragraph (j); and
- (k) inserting the words “Classes S,A and B at the end of paragraph (k).

#### **CLAUSE 14**

**THAT**, Clause 14of the Bill be amended –

- (a) in sub-clause (2) by–
  - (i) deleting the words “from amongst the members appointed under paragraph (f) appearing in paragraph (a);
  - (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
  - (iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and
  - (iv) inserting the following new paragraph immediately after paragraph (f) –  
“(g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”
- (b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “Board”.
- (c) in sub-clause (4) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.
- (d) in sub-clause (5) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.

#### **CLAUSE 16**

**THAT**, Clause 16 of the Bill be amended in sub-clause (2) by inserting the words “including through public private partnerships” at the end of paragraph (a).

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended –

(a) in sub-clause (1) by-

- (i) re-numbering the existing sub-clause (1) as sub-clause (2); and
- (ii) inserting the following new sub-clause (1)–  
“(1) There is established the Board of the Kenya National Urban Roads Authority”.

(b) in the proposed new sub-clause (2) by–

- (i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);
- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
- (iii) deleting sub-paragraphs (ii),(iii)and(iv) appearing in paragraph (f);
- (iv) deleting the word “Physical” appearing in sub-paragraph (v) of paragraph (f) ;and
- (v) inserting the following new paragraph immediately after paragraph (f) –  
“(g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(c) in sub-clause (3) by –

- (i) re-numbering the existing sub-clause (2) as sub-clause (3); and
- (ii) deleting the words “Authority” in the proposed new sub-clause (3) and substituting therefor the words “ Board”.

**CLAUSE 19**

**THAT**, Clause 19 of the Bill be amended –

- (a) by deleting the words “and D” in sub-clause (1) ; and
- (b) in sub-clause (2) by inserting the words “including through public private partnerships” at the end of paragraph (a).

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended–

(a) in sub-clause (2) by–

- (i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);
- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
- (iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and
- (iv) inserting the following new paragraph immediately after paragraph (f)

“ (g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “ Board”.

#### **CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended –

(a) in sub-clause (1) by –

- (i) inserting the words “in engineering, accounting, law, survey or management” immediately after the words “degree” appearing in paragraph (a); and
- (ii) deleting the words “the relevant field “appearing in paragraph (b) and substituting therefore the words “in engineering, accounting, law, survey or management”..

(b) in sub-clause (2) by inserting the word “or” at the end of paragraph (d).

(c) by deleting sub-clause (3).

#### **CLAUSE 29**

**THAT**, Clause 29 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) The Director-General shall be appointed for a term of four years and may be eligible for re-appointment for one further term of four years.”

#### **CLAUSE 45**

**THAT**, Clause 45 of the Bill be amended in sub-clause (3) by deleting the words “sixty” and substituting therefor the words “thirty”.

#### **CLAUSE 48**

**THAT**, Clause 48 of the Bill be amended –

(a) by inserting the following new sub-clause immediately after sub-clause (1) –

“(1A) An Authority exercising its powers under sub-section (1) shall not be liable to payment of any levies and charges not imposed by the national government”; and

(b) in sub-clause (7) by deleting the words “adequately” and substituting therefor the words “may be adequate”.

#### **CLAUSE 52**

**THAT**, Clause 52 of the Bill be amended in sub-clause (4) by inserting the words “as prescribed by the Cabinet Secretary” at the end of paragraph (b).

#### **CLAUSE 53**

**THAT**, Clause 53 of the Bill be amended in the opening sentence to sub-clause (2) by inserting the words “furniture” immediately after the words “road”.

**CLAUSE 54**

**THAT**, Clause 54 of the Bill be amended—

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) in the proposed new sub-clause (1) by inserting the words “bridge or tunnel” immediately after the words “national trunk road”; and
- (c) by inserting the following new sub-clause immediately after the proposed new sub-clause (1)—
  - “(2) Subject to sub-section (1), no free alternative shall be provided for any national toll road, bridge or tunnel.”

**CLAUSE 56**

**THAT**, Clause 56 of the Bill be amended —

- (a) in sub-clause (2) by inserting the words “designing, constructing, operating” immediately before the words “maintaining” appearing in paragraph (a)”;
- (b) in sub-clause (4) —
  - (i) by deleting paragraph (f) and substituting therefor the following new paragraph—
    - “(f) the manner in which the proceeds of the charges shall be collected, administered and allocated;” and
    - (ii) by inserting the following new paragraphs immediately after paragraph (f)—
      - “(fa) the collection of user related charges by a private party under a public private partnership arrangement; and
      - (fb) the remittance of all collected user charges in a manner prescribed by the Cabinet Secretary responsible for finance.”
  - (c) by inserting the following new sub-clause immediately after sub-clause (4) —
    - “(5) Regulations made under sub-section (4) may prescribe a penalty in respect of any contravention of any provisions thereof.”

**CLAUSE 60**

**THAT**, Clause 60 of the Bill be amended by inserting the words “regulations made by” immediately after the words “and”.

**CLAUSE 64**

**THAT**, Clause 64 of the Bill be amended —

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) in the proposed new sub-clause (1) by inserting the words “and the state department responsible for infrastructure” immediately after the words “Kenya Roads Board”; and
- (c) by inserting the following the new sub-clause immediately after sub-clause (1) —
  - “(2) The annual roads works programme under sub-section (1) shall not include roads developed or managed under a public private partnership agreement.”

**CLAUSE 65**

**THAT**, Clause 65 of the Bill be amended in sub-clause (1) by inserting the words “including road projects intended to be developed through public private partnerships” immediately after the words “road investment program”.

**CLAUSE 66**

**THAT**, Clause 66 of the Bill be amended by deleting the word “the” and substituting therefor the word “sound”.

**CLAUSE 67**

**THAT**, Clause 67 be amended—

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the proposed new sub-clause (1) —
  - “(2) Despite sub-section (1), under a public private partnership arrangement, the terms of the project agreement shall prevail.”

**CLAUSE 68**

**THAT**, Clause 68 of the Bill be amended by deleting the words “section 45” and substituting therefor the words “section 67”.

**CLAUSE 69**

**THAT**, Clause 69 of the Bill be amended by deleting the words “section 55” and substituting therefor the words “section 54”.

**CLAUSE 71**

**THAT**, Clause 71 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) —

- “(3A) Despite sub-section (3), any agreement entered into by an Authority relating to programmes financed by the Fund shall be made in consultation with the Kenya Roads Board.”

**CLAUSE 72**

**THAT**, Clause 72 of the Bill be amended by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning of the Clause.

**CLAUSE 73**

**THAT**, Clause 73 of the Bill be amended in sub-clause (1) by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning.

**CLAUSE 75**

**THAT**, Clause 75 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—



- (1) A county government shall obtain the respective Authority's written approval if it intends to carry out road works on a county road or make changes to the management of a county road where the works or changes would—
- (i) require the carrying out of road works on a national trunk road;
  - (ii) otherwise have a significant adverse impact on a national trunk road; or
  - (iii) have a significant impact on the planning of a national trunk road or a future national trunk road.
- (b) in sub-clause (9) by deleting the words “chief executive” and substituting therefor the words “Director General”.

### **CLAUSE 78**

**THAT**, Clause 78 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority’s”;
- (b) in sub-clause (2) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;
- (c) in sub-clause (3) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;
- (d) in sub-clause (4) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”; and
- (e) in sub-clause (5) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”.

### **CLAUSE 79**

**THAT**, Clause 79 of the Bill be amended in the opening sentence to sub-clause (1) by inserting the word “furniture” immediately after the word “road”.

### **CLAUSE 101**

**THAT**, Clause 101 of the Bill be amended by deleting the words “being either a department or division”.

### **CLAUSE 102**

**THAT**, Clause 102 of the Bill be amended —

- (a) in sub-clause (2) by —
  - (i) deleting the word “and” appearing immediately after the words ‘Kenya National Highways Authority’; and
  - (ii) inserting the words “ and the Kenya National Urban Roads Authority” at the end .
- (b) in sub-clause (5) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d)the annual estimates of the former Kenya National Highways Authority, Kenya Urban Roads Authority and Kenya Rural Roads Authority for the financial year in which this Act commences shall be deemed to be the annual estimates of the Kenya National Highways Authority under this Act and the annual estimates of the former Kenya Urban Roads Authority shall be deemed to be the annual estimates of the Kenya National Urban Roads Authority and the annual estimates of the former Kenya Rural Roads Authority shall be deemed to be the annual estimates of the Kenya National Secondary Roads Authority for the remainder of that financial year.”

### **FIRST SCHEDULE**

**THAT**, the First Schedule of the Bill be amended—

- (a) in Part A, by deleting the classification of Secondary National Trunk Roads and substituting therefor the following new classification—

<b>Secondary National Trunk Roads</b>	<b>Class C</b>	Roads forming important regional routes, linking County headquarters or other regionally important centers, constituency headquarters, Municipal or Town Council Centres and other towns to each other and to Class A or B roads. Required to collect regional and local traffic and channel it to class A and B roads; and
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- (b) in Part B, by inserting the following new classification at the beginning—

<b>Class D</b>	Roads meant to collect traffic from lower class roads and channel it to the higher class roads. They are required to provide lower level of services than arterial roads at lower permissible speed over shorter distances with limited access control meant to collect traffic from lower roads and connect it with Class C roads.
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### **THIRD SCHEDULE**

**THAT**, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999, as follows—

- (a) in paragraph (2) by deleting the words “Thirty (30%)” and substituting therefor the words “twenty eight (28%)”;
- (b) by deleting paragraph (4) and substituting therefor the following new paragraph—  
“(4) Sixteen (16%) per centum is allocated to the county governments equally as conditional grants in respect of county roads;” and
- (c) in paragraph (6) by —

- ( i) deleting the words “six (6) per centum” and substituting therefor the words “seven (7%) per centum; and
- ( ii) inserting the words “and training” immediately after the word “development” appearing insub-paragraph (a).

**THAT**, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(l) of the Kenya Roads Board Act No.7 of 1999 by inserting the following new paragraph immediately after paragraph (k) –

“(ka) every five years conduct an inventory and condition survey of all public roads and submit copies of the report to the Cabinet Secretary and the National Assembly for consideration.”

**THAT**, the Third Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 17A of the Kenya Roads Board Act No.7 of 1999 –

Insert the following—

s.30 “(1) The Board may withhold funds of any road agency or county government that fails to comply with the public road standards prescribed by the Cabinet Secretary.”

**2) Notice is given that the Leader of the Majority Party (Hon. Aden Duale) intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No.47 of 2017) at the Committee Stage—**

**THIRD SCHEDULE**

**THAT**, the third schedule be amended by inserting the following row immediately after the proposed amendment to section 6(2) of the Kenya Roads Board Act No.7 of 1999 —

Delete and substitute therefor with the following—

- s.12 “(2) A person shall be qualified for appointment as the Executive Director if that person-
- (a) holds a Master’s degree in finance, accounting, law or engineering from a university recognized in Kenya;
  - (b) has knowledge and at least ten years’ experience in a relevant field;has served in a senior management position for a period of at least five years; and
  - (c) satisfies the requirements of Chapter Six of the Constitution”

- 3) Notice is given that the Member for Kibwezi West (Hon. Dr. Patrick Musimba) intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No.47 of 2017) at the Committee Stage-

**LONG TITLE**

**THAT**, the long title of the Bill is amended by deleting the word “public”.

**CLAUSE 2**

**THAT**, Clause 2 of the Bill is amended by inserting the following new definition in the proper alphabetical sequence-

“private road” means a road that is constructed by any person other than the Government on a privately owned land, which is open for use by members of the public at a fee.

**NEW PART**

The Bill is amended by inserting the following new Part immediately after section 11-

Registration  
of private  
roads

11A. (1) A person who intends to construct a private road shall apply to the Cabinet Secretary for registration of the road.

(2) An application under subsection (1) shall-

- (a) Indicate the function to be served by the road;
- (b) Indicate the class of road to be constructed in accordance with the First Schedule to this Act;
- (c) Be accompanied by the construction plans;
- (d) Be accompanied by the prescribed fee; and
- (e) Contain any other information that may be prescribed by the Cabinet Secretary.

(3) If the applicant meets the prescribed requirements, the Cabinet Secretary shall approve the construction of the road.

(4) Upon completion of the road construction and inspection of the road by the Cabinet Secretary, the Cabinet Secretary shall register the road and publish such registration in the Gazette.

Inspection of  
private roads

11B. The Cabinet Secretary may, from time to time, inspect a private road to ensure that the prescribed standards are complied with.

4) Notice is given that the Member for Ruaraka (Hon. Tom Kajwang) intends to move the following amendments to the Kenya Roads Bill 2017 (National Assembly Bill No. 47 of 2017) at the Committee Stage—

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by inserting the following new definition in their proper alphabetical sequence—

- (a) “city” means an area conferred with the status of a city under section 8 of the Urban Areas and Cities Act No. 13 of 2011;”
- (b) “owner” means a person registered as a legal owner of land under the relevant written laws;”

**CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended by—

- (a) inserting the following new sub-clauses immediately after sub-clause (2)—

(2A) in the absence of the Chairperson at any meeting, the Members of the Board shall elect one of them to act as the Chairperson.

(2B) unless otherwise provided for under this Act, any four Members of the Board present shall constitute a quorum.

(2C) The Chairperson shall have a casting vote whenever there is a tie in decision making by the Board.

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(ba) overseeing roadside developments to ensure compliance with the provisions of this Act and guidelines as may be prescribed by the Authority.”

**CLAUSE 14**

**THAT**, Clause 14 of the Bill be amended—

- (a) in sub-clause (2)—
  - (i) by deleting paragraph (f) and substituting therefor the following new paragraph—
    - (f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—
  - (ii) by deleting sub-paragraph (ii);
  - (iii) by deleting sub-paragraph (iii);
  - (iv) by deleting sub-paragraph (v);
  - (v) by inserting the following new paragraph immediately after paragraph (f)—

- (i) two persons, appointed by the Cabinet Secretary through a competitive and transparent process taking into consideration regional and diversity of the people of Kenya.
- (b) in sub-clause (3) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;
- (c) in sub-clause (4) by inserting the word “each” immediately before the words “submit three”;
- (d) in sub-clause (5), by deleting the words “may both not” and substituting therefor the words “shall not both”;
- (e) by inserting the following new sub-clauses immediately after sub-clause (5)—
  - (6) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.
  - (7) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

**CLAUSE 17**

**THAT,** Clause 17 of the Bill be amended—

- (a) in sub-clause (1) —
  - (i) by deleting paragraph (f) and substituting therefor the following new paragraph —
    - (f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—
  - (ii) by deleting sub-paragraph (ii);
  - (iii) by deleting sub-paragraph (iii);
  - (iv) by deleting sub-paragraph (iv);
  - (v) by inserting the following new paragraph immediately after paragraph (f) —
    - (g) two persons, appointed by the Cabinet Secretary through a competitive and transparent process taking into consideration regional and diversity of the people of Kenya.
- (b) in sub-clause (2) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;
- (c) in sub-clause (3) by inserting the word “each” immediately before the words “submit three”;
- (d) in sub-clause (4), by deleting the words “may both not” and substituting therefor the words “shall not both”;
- (e) by inserting the following new sub-clauses immediately after sub-clause (4)—

- (5) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.
- (6) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

**CLAUSE 19**

**THAT**, Clause 19 of the Bill be amended in sub-clause (1) by deleting the words “ and D” and substituting therefor the words “and I”.

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended—

- (a) in sub-clause (2) —
- (i) by deleting paragraph (f) and substituting therefor the following new paragraph —
    - (f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—
  - (ii) by deleting sub-paragraph (ii);
  - (iii) by deleting sub-paragraph (iii);
  - (iv) by deleting sub-paragraph (iv);
  - (v) by inserting the following new paragraph immediately after paragraph (f) —
    - (g) two persons, appointed by the Cabinet Secretary through a competitive and transparent process taking into consideration regional and diversity of the people of Kenya.
- (b) in sub-clause (3) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;
- (c) in sub-clause (4) by inserting the word “each” immediately before the words “submit three”;
- (d) in sub-clause (5), by deleting the words “may both not” and substituting therefor the words “shall not both”;
- (e) by inserting the following new sub-clauses immediately after sub-clause (5)—
- (7) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.

(7) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

### **CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended in sub-clause (1) by—

- (a) inserting the words “in engineering, survey, planning or management” immediately after the words “a degree” appearing in paragraph (a);
- (b) deleting the words “the relevant field” appearing in paragraph (b) and substituting therefor the words “engineering, survey, planning or management”;
- (c) deleting the word “and” appearing in paragraph (b);
- (d) inserting the word “and” immediately after the words “the Constitution” in paragraph (c);
- (e) inserting the following new paragraph immediately after paragraph (c)—
  - (d) is a citizen of the Republic of Kenya.

### **CLAUSE 38**

**THAT**, Clause 38 of the Bill be amended by inserting the words “mortgage schemes” immediately after the words “medical benefits” in paragraph (c).

### **CLAUSE 39**

**THAT**, Clause 39 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “may” and substituting therefor the word “shall”;
- (b) in sub-clause (2) by deleting the word “may” and substituting therefor the word “shall”;
- (c) in sub-clause (3) by inserting the words “in writing” immediately after the words “Cabinet Secretary nominate”.

### **CLAUSE 46**

**THAT**, Clause 46 of the Bill be deleted.

### **CLAUSE 48**

**THAT**, Clause 48 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (6)—

- (6A) For avoidance of doubt, nothing contained in this section shall absolve any Authority from liability to compensate owner or occupier of land just compensation or overt market value of any soil, clay, rock, gravel, murram, lime, sand, shale, shingle, slate, surface soil or any other material for the construction of any road.



(6B) Where the quantum of compensation made under sub-section (6A) is disputed either by the owner, occupier of land or the Authority, the parties may enter into mutual arbitration within sixty days of the dispute or in accordance with the law relating to Arbitration.

(6C) Despite the provisions of sub-section (6B), the Authority may in lieu of arbitration acquire such land compulsorily in accordance with the provisions of the Constitution and the Land Act, 2012.

#### **CLAUSE 60**

**THAT**, Clause 60 of the Bill be amended by deleting the words “and National Treasury” and substituting therefor the words “and the Cabinet Secretary responsible for matters relating to the National Treasury”.

#### **CLAUSE 65**

**THAT**, Clause 65 of the Bill be amended in sub-clause (1) by deleting the words “national and county government” and substituting therefor the words “Council of Governors”.

#### **CLAUSE 67**

**THAT**, Clause 67 of the Bill be amended by deleting the word “their” and substituting therefor the word “its”.

#### **CLAUSE 70**

**THAT**, Clause 70 of the Bill be deleted and substituted therefor the following new clause—

Authority to have power of a county government for National trunk roads.

70. An Authority may exercise, in respect of a National trunk road within the jurisdiction of a county government, all powers which that county government may exercise in relation to a county road within its area of jurisdiction.

#### **CLAUSE 73**

**THAT**, Clause 73 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “under which the authority supplies funds to the county” and substituting therefor the words “for the supply of funds by the Authority to a county government.”
- (b) in sub-clause (2) by deleting the word “must” appearing in paragraph (a) and substituting therefor the word “shall.”

#### **CLAUSE 74**

**THAT**, Clause 74 of the Bill be amended by deleting the words “relevant/respective” and substituting therefor the word “relevant”.

**INSERTION OF NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 73—

Authority to  
enter into a  
contract in  
writing with any  
county  
government.

**73A.** (1) Subject to approval by the Cabinet Secretary, an Authority may, in relation to a national trunk road, enter into a contract in writing with any county government with jurisdiction over the area traversed upon by the national trunk road for the sharing of revenue, profit, accruals or any other receivable which the Authority may raise as a result of levies, charges or fees imposed for the provision of services or facilities or use of any road reserve under its jurisdiction pursuant to section 67 of this Act.

(2) The Authority shall, at least ninety days before the execution of such contract cause to be published in the gazette and in at least two newspapers with wide circulation within the relevant county, the terms and conditions of the said contract.

(3) The Authority shall through the notice issued under sub-section (2), invite for comments through written memoranda from the public.

(4) The Authority shall keep proper record of any written memoranda submitted by the public and shall avail on demand, such records to the public in accordance with the Constitution and the law relating to access to information.

(5) Where any dispute arises between the Authority and county government as to terms and conditions of a contract for revenue sharing, parties to the dispute may, by consent, submit to an arbitration process or refer the dispute to the Inter-Governmental Relations Technical Committee.

(6) The decision of arbitration or of the Committee shall be final on the issue as to terms and conditions of the contract.

**CLAUSE 76**

**THAT**, Clause 76 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) A county government may, in relation to a national trunk road traversing its area of jurisdiction, exercise all powers that it may exercise with respect to county roads within its area.

(b) by inserting the following new sub-clause immediately after sub-clause (1)—

(1A) Where a county government intends to exercise powers relating to a national trunk road within its area of jurisdiction, the county government shall notify the relevant Authority in writing of intended action or exercise of power including limit of such action or power and persons likely to incur liability for the action or use of such power.

(1B) Where a county government issues notice to the Authority of its intention to act upon a national trunk road within its area of jurisdiction, the Authority shall within a reasonable time, but in any case, a period not exceeding twenty-one days, give its consent or decline the request by giving reasons thereof in writing.

- (c) by deleting sub-clause (3);
- (d) by deleting sub-clause (4);
- (e) by deleting sub-clause (5);
- (f) by deleting sub-clause (6).

#### **CLAUSE 90**

**THAT**, Clause 90 of the Bill be amended —

- (a) by deleting paragraph (b);
- (b) by inserting the word “or” immediately after the word “Director-General” appearing in paragraph (a).

#### **FIRST SCHEDULE**

**THAT**, the First Schedule to the Bill be amended in Part A by inserting the following new class of public roads immediately after class C—

Class I. Roads within the cities linking the Central Business Districts of those cities to residential estate or forming important commuter inlets or outlets or otherwise required to collect regional or local traffic to or from cities residential estates and channel it to or from Class A or B roads or any other higherclass roads.

**5) Notice is given that the Member for Manyatta (Hon. John Muchiri) intends to move the following amendment to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—**

#### **CLAUSE 27**

**THAT**, Clause 27 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “may” appearing immediately after the words “A Board” and substituting therefor the word “shall”
- (b) in sub clause (2) by deleting the word “may” appearing immediately after the words “The Board” at the beginning of the sub clause and substituting therefor the word “shall”;
- (c) by inserting the following new sub clause immediately after sub clause (2)—
  - (3) The Committee shall ensure that such relevant stakeholders and agencies are involved in the decisions of the Committee.

The House resolved on Wednesday, February 14, 2018 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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# **NOTICE PAPER I**

## **Tentative business for**

**Wednesday (Morning), April 18, 2018**

*(Published pursuant to Standing Order 38(1))*

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It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Morning), April 18, 2018:-

**A. MOTION – WAIVER OF CHARGES AND ESTABLISHMENT OF EMPLOYMENT DATABASE**

(The Hon. Faith Wairimu Gitau, M.P.)

*(Question to be put)*

**B. MOTION – DECLARATION OF CANCER AS NATIONAL DISASTER AND ESTABLISHMENT OF CANCER FUND**

(The Hon. Catherine Waruguru, M.P.)

*(Question to be put)*

**C. MOTION – ESTABLISHMENT OF PROGRAMMES AND INTERVENTIONS TO ENCOURAGE UPTAKE OF COUNSELING SERVICES**

(The Hon. Rose M. Museo, M.P.)

**D. MOTION – ESTABLISHMENT OF CIVIL REGISTRATION CENTRES IN EVERY CONSTITUENCY**

(The Hon. Martha Wangari, M.P.)

**E. MOTION – CREATION OF RAIN WATER COLLECTION AND STORAGE MANAGEMENT SYSTEMS IN THE CITIES AND MAJOR TOWNS IN KENYA**

(The Hon. George Kariuki GK, MP)

# **NOTICE PAPER II**

## **Tentative business for**

**Wednesday (Afternoon), April 18, 2018**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Afternoon), April 18, 2018:-

**A. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 17, 2018)*

**B. COMMITTEE OF THE WHOLE HOUSE**

(i) The Energy Bill (National Assembly Bill No. 50 of 2017)  
(The Leader of the Majority Party)

(ii) The Irrigation Bill (National Assembly Bill No. 46 of 2017)  
(The Leader of the Majority Party)

**C. THE KENYA COAST GUARD SERVICE BILL (NATIONAL  
ASSEMBLY BILL NO. 45 OF 2017)**

(The Leader of the Majority Party)

*(If not concluded on Tuesday, April 17, 2018)*

# **APPENDIX**

## **THE NATIONAL ASSEMBLY**

### **SCHEDULE of Questions for**

**Tuesday, April 17, 2018**

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It is notified that pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Interior and Coordination of National Government; Lands and Agriculture and Irrigation will appear before the following Departmental Committees on Tuesday, April 17, 2018 at the times hereunder:-

<b><u>Departmental Committee</u></b>	<b><u>Cabinet Secretary</u></b>	<b><u>Time</u></b>	<b><u>Venue</u></b>
(i) Administration and National Security	<i>Cabinet Secretary for Interior and Coordination of National Government</i>	10.00 am – 12.00 pm	<i>National Assembly Chamber</i>
(ii) Lands	<i>Cabinet Secretary for Lands</i>	10.00 am – 11.00 am	<i>Mini Chamber County Hall</i>
(iii) Agriculture & Livestock	<i>Cabinet Secretary for Agriculture and Irrigation</i>	11.00 am -12.00 pm	<i>Mini Chamber County Hall</i>

The Committees' Agenda has been determined as follows-

#### **AGENDA**

1. Prayers
  2. Communication from the Chairperson(s)
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#### **I. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY**

##### **Questions to the Cabinet Secretary for Interior and Coordination of National Government:-**

- (i) **Question No. 002/2018 by the Member for Tiaty Constituency (Hon. William Kamket, MP):-**

Considering that the Government vide Notice No. 2495 of 2017 dated 17<sup>th</sup> March, 2017, and Legal Notice No. 20 of 2017 published in the Gazette Notice No. 27 of 2017 dated 3<sup>rd</sup> March, 2017, declared certain administrative locations of

Baringo County as disturbed and dangerous areas, the Notice whose effect was to take place from the date of publication and remain in force for thirty (30) days unless revoked or extended, could the Cabinet Secretary apprise the Committee on the current security situation in Baringo County? Could the Cabinet Secretary also apprise the Committee on the following; the number of illegal guns surrendered or recovered, if any; the total number of lives lost of both civilians and security officers; the number of livestock killed following the publication of the Notice; whether the declaration was still in force and if so, when it would be lifted; when the persons and livestock killed by security forces would be compensated; and the measures the Government has put in place to prevent future recurrence?

**(ii) Question No. 006/2018 by the Member for Kangema Constituency (Hon. Muturi Kigano, MP):-**

Could the Cabinet Secretary inform the Committee on the criteria used in the issuance of work permits to Non-Kenyans wishing to engage in employment in Kenya whether in gainful employment or voluntary service; the total number of foreigners working in Kenya in gainful employment since 2008 to date and their nationalities; the key sectors where the said foreign nationals are working in the country; and their contribution to the economy? Could the Cabinet Secretary inform the Committee why organizations that have engaged foreign nationals in gainful employment are unable to fill the vacancies from the local labour market; and state the measures that the Ministry through the Directorate of Immigration and Registration of Persons has put in place, if any, to address the influx of immigrants into the Country?

**(iii) Question No. 008/2018 by the Member for Mwingi Central Constituency (Hon. Gideon Mulyungi, MP):-**

Could the Cabinet Secretary inform the Committee on the status of the payment of allowances for the National Police Reservists (NPR) trained on February, 28, 2017 and deployed to Mwingi East, Kitui County on May, 05 2017; and what are the measures in place to ensure that all NPR across the Country are paid their dues within the stipulated time?

**(iv) Question No. 012/2018 by the Member for Soy Constituency (Hon. Caleb Kositany, MP):-**

Aware that citizens in North Rift, Western and Northwest parts of the Country have to travel to Nairobi and Kisumu in order to obtain passports following the closure of the immigration office in Eldoret; concerned that as a result, this large populace in these regions incur huge travel expenses to obtain passports; could the Cabinet Secretary apprise the Committee on the circumstances that led to closure of the immigration office in Eldoret; and what measures are being undertaken by the Ministry to ensure that these services are taken closer to the citizens in the Country.



**(v) Question No. 017/2017 by the Member for Narok East Constituency (Hon. Aramat Lemanken, MP):-**

Is the Cabinet Secretary aware that one Joseph Mopiyiai Kiraison was shot dead on 6<sup>th</sup> January 2018 in Suswa allegedly by a Police officer? If aware, could the Cabinet Secretary apprise the Committee on the progress made by the security agencies in investigating the matter? Could the Cabinet Secretary also apprise the Committee on the measures the Ministry has taken, if any, to ensure that the family of the deceased is compensated?

**II. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON LANDS**

**Questions to the Cabinet Secretary for Lands:**

**(i) Question No. 001/2018 by the Member for Kisumu Town West Constituency (Hon. Olago Aluoch, MP):-**

Could the Cabinet Secretary brief the Committee on the legality of the appointment of Members to the Kisumu Land Control Board done vide Kenya Gazette Notice No. 5180 of 8<sup>th</sup> July 2016; the reasons for not recognizing Kisumu West Sub County as a constitutional entity entitled to its own Land Control Board under Section 5 of the Land Control Act, Cap 302; and the selection criteria for the appointment of Members to the Land Control Board as set out in the Ministry's circular dated 6<sup>th</sup> May, 2016? Could the Cabinet Secretary confirm to the Committee that all the members gazetted as Members of the Kisumu City Land Control Board, except for one Elisha Guya Didi, are non-residents of Kisumu West Sub County therefore may not be able to understand and appreciate the dynamics and intricacies of land matters in the rural Kisumu West Sub County?

**III. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK**

**Questions to the Cabinet Secretary for Agriculture and Irrigation:**

**(i) Question No. 015/2018 by the Member for Cherangany Constituency (Hon. Kutuny Joshua, MP):-**

Could the Cabinet Secretary apprise the Committee on the amount of funds the Government has set aside or spent on the importation of subsidized fertilizer promised to farmers ahead of the planting season; the amount of fertilizer the Government plans to purchase or has already purchased; and the price the Government intends to sell the said fertilizers; the plan is the Ministry putting in place to ensure the fertilizer is accessible to all farmers and that cartels do not exploit, purchase the commodity, hoard and/or sell to farmers at exorbitant prices?

**(ii) Question No. 028/2018 by the Member for Nakuru County (Hon. Liza Chelule, MP):-**

Could the Cabinet Secretary apprise the Committee on why Kiptagich Tea Factory has not paid Tea Farmers their dues including tea bonuses; and state the measures that Ministry is taking to ensure the Factory provides better working conditions for workers, in particular by providing water, housing and medical facilities?

**(iii) Question No. 025/2018 by the Member for Gem Constituency (Hon. Elisha Odhiambo, MP):-**

Could the Cabinet Secretary inform the Committee on the implementation status of the 2016 Government Task Force Report on the Tea Industry; and the measures the Ministry is taking to eliminate middlemen/cartels in the tea sector who have been beneficiaries of the proceeds from the tea industry at the expense of Small-Scale Growers and Traders. Could the Cabinet Secretary also inform the Committee whether there are plans for tea factories to generate energy for inclusion into the national grid?

**(iv) Question No. 16/2018 by the Member for Cherangany Constituency (Hon. Kutuny Joshua, MP):-**

Could the Cabinet Secretary apprise the Committee on the amount of money the Government has set aside and or spent towards purchase of maize from the farmers for the Strategic Food Reserves (SFR) during the 2016/17 and 2017/18 financial years; the number of bags of maize the Government has purchased or intends to purchase during the current financial year; the amount of money the Ministry has paid farmers for deliveries of maize to the National Cereals and Produce Board (NCPB) during the current financial year; and the amount of money NCPB owes farmers for deliveries made. Could the Cabinet Secretary inform the Committee when the Government will pay farmers for maize deliveries made?

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